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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,588	10/23/2001	Michael Kenneth Brown	401052-A-01-US(Brown)	6479
47523	7590	07/31/2006	EXAMINER	
JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,588

Applicant(s)

BROWN ET AL.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-17,19,22-27,29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-17,19,22-27,29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 9 recites "the received audio information for;". This phrase is unclear and confusing as to which word or phrases follows the term "for". Examiner will interpret the phrase as "the received audio information for tones"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6-17, 19, 22-27, 29, and 31 rejected under 35 U.S.C. 102(e) as being anticipated by Merrow et al., Patent #6,990,179.

Regarding claims 1 and 17 Merrow teaches a method for performing call classification for a destination endpoint on a call, comprising the steps of:

receiving audio information from the destination endpoint and analyzing using speech recognition analysis calculations the received audio information for words(col.7 lines 25-50 and col.8 lines 32-55);

analyzing using the automatic speech recognition analysis calculations the received audio information for tones(col.7 lines 51-59; similar to speech recognizing system detecting speech in line 34-39); and

determining a call classification for the destination endpoint in response to the analysis of the words and the analysis of the tones(col.7 lines 56-67).

Regarding claim 4 Merrow teaches the method of claim 2 wherein the analysis for tones is analyzing the audio information for identifying a set of tones (col.7 lines 51-59).

Regarding Claims 6-10, 12-16, 22-27, 29, and 31, Merrow teaches executing a Hidden Markov Model comprising the step of using a grammar for speech and tones(col.1 line 56-col.2 line 28).

Regarding claim 11 Merrow teaches a method for performing call classification for a destination endpoint on a call, comprising the steps of:
receiving audio information from the destination endpoint and detecting for speech in received audio information(col.7 lines 25-50 and col.8 lines 32-55);
analyzing using automatic speech recognition the received audio information for words in response to the detection of speech indicating a presence of speech(col.7 lines 32-42); and

analyzing using automatic speech recognition the received audio information for

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tones (col.7 lines 51-59); and determining a call classification for the destination endpoint in response to the analysis of words or the analysis of tones(col.7 lines 56-67).

Regarding claim 19, Merrow teaches the method of claim 17 wherein the analyzed words are formed as phrases words(col.8 lines 32-54); and

Regarding claim 27, Merrow teaches a call classifier for determining the call classification of a called destination endpoint, comprising:

an automatic speech recognizer for detecting first characteristics in audio information received from the called destination endpoint(col.7 lines 25-50 and col.8 lines 32-55);

the automatic speech recognizer further identifying tones in the audio information received from the called destination endpoint(col.7 lines 51-59); and inference engine for classifying the call in response to the automatic speech recognizer (Fig.1 and col.7 lines 56-67).

Regarding claim 28, Merrow teaches the call classifier of claim 27 wherein the first characteristics are words (col.5 lines 50-60).

Regarding claim 29, Merrow teaches the call classifier of claim 28 wherein the words are formed into phrases (col.5 lines 50-60).

Regarding claim 30, Merrow teaches the call classifier of claim 28 wherein the second characteristics are tones (col.5 lines 61-67).

Response to Arguments

3. Applicant's arguments with respect to claims 1,4,6-17, 19, 22-27, 29, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 21, 2006

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FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600